

REMARKS/ARGUMENTS

This amendment is submitted in response to the Office Action dated February 23, 2005. Reconsideration and allowance is requested.

Claims 1-8, 31, 45 and 46 remain in the application. Claims 9-30 and 32-44 were withdrawn as a result of an earlier restriction requirement.

Claim Rejection Under 35 USC 103

In section 5 of the Office Action, the Examiner rejected claim 1 under 35 USC 103(a), as being unpatentable over Alanara et al. (US 6,097,961) in view of Bilgic (US 6,751,456). Counsel for assignee has amended claim 1 and believes that claim 1 is patentably distinct over Alanara in view of Bilgic.

Specifically, claim 1 has been amended to include "the first timer measures the period between the last transmission/reception to/from the other device to release the assigned channel, and the second timer measures a packet transmission timing, the packet preventing a release of the assigned channel, wherein the first timer and the second timer are set to operate in parallel and the second timer times out earlier than the first timer, in response to a request of preferential use of the assigned channel, and wherein the wireless communication device transmits the packet at expiration of the second timer, to prevent time out of the first timer and release of the assigned channel." Support for this amendment can be found throughout the specification including paragraph [0051].

Neither Alanara nor Bilgic teach these limitations. Moreover, Bilgic teaches away from having a first timer and second timer that are set to operate in parallel because his MS Registration state 702 and Registration Idle state 801 do not run in parallel as taught by Bilgic in column 11 line 54 through column 12 line 29 (relevant portions bolded):

If a mobile station successfully acquires a channel in the MS Acquisition state 402 for a Registration protocol sequence, **it then transitions to the MS Registration state 702**, depicted in FIGS. 7A and 7B. **In the MS Registration state 702, the mobile station transmits a CT_RRQ (Registration Request) message in the**

acquired dedicated channel. In a preferred embodiment, **the mobile station then waits for a CT_ACK (Ack) message** response from the base station, indicating the base station acknowledges the mobile station's request to register.

In a preferred embodiment, as depicted in FIG. 7B, **the mobile station establishes a timer, T(m_ack) 703, for the maximum time it will wait for a CT_ACK message from the base station. If the mobile station receives the expected CT_ACK message before T(m_ack) 703 elapses, it disables T(m_ack), and then waits for a CT_RCP (Registration Complete) message from the base station, indicating the communication system 101's response to the mobile station's registration request. If, however, T(m_ack) 703 elapses, the mobile station presumes it is out of synchronization ("out of sync") with the base station, and executes an MS Resync process, depicted in FIG. 10A.**

More evidence that Bilgic teaches away from having a first timer and second timer that are set to operate in parallel can be found in Bilgic column 15 line 54-53 (relevant portions bolded):

As previously described, **once a mobile station successfully registers with a base station, it transitions to the Registered Idle state 801, depicted in FIG. 8. In the Registered Idle state 801, the mobile station establishes a timer, T(reg_poll) 803, for the periodic time, from transitioning to the Registered Idle state 801, that the mobile station will wait before re-registering with a base station. When T(reg_poll) 803 elapses, the mobile station first transitions to the MS Acquisition state 402, to process acquiring a channel on a base station, and then, if successful, transitions to the MS Registration state 702, to process the Registration protocol sequence.**

Counsel for assignee believes that claim 1 is distinguishable from Alanara and Bilgic, either individually or when combined.

In section 6 of the Office Action, the Examiner rejected claims 2, 3, and 7 under 35 USC 103(a), as being unpatentable over Alanara et al. (US 6,097,961) in view of Bender et al. (US 6,741,861). Claims 2, 3 and 7 have been amended and counsel for assignee believes that they are patentably distinct over Alanara, Bender, and Bilgic either individually or when

combined. Support for this amendment can be found throughout the specification including paragraph [0051].

In section 7 of the Office Action, the Examiner rejected claims 8 and 31 under 35 USC 103(a), as being unpatentable over Alanara in view of Bender as applied to claim 7 above, and further in view of Watanabe et al. (US 5,991,642). Claims 8 and 31 depend from claims 7 and 3, respectively. Counsel believes that since claims 7 and 3 have been amended to be patentably distinct over the cited prior art and claims 8 and 31 depend from claims 7 and 3, respectively, then claims 8 and 31 are also patentable. Support for this amendment can be found throughout the specification including paragraph [0051].

Allowable Subject Matter

In section 8 of the Office Action, the Examiner objected to claim 4-6 but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claim 3 has been amended to include some of the limitations of claim 4 and counsel for assignee believes that amended claim 3 is patentably distinct over the cited prior art. Moreover, counsel for assignee respectfully request that the objection to claims 4-6 be removed because claims 4-6 depend either directly or indirectly from claim 3 and independent claim 3 has been amended to be patentably distinct over the cited prior art.

CONCLUSION

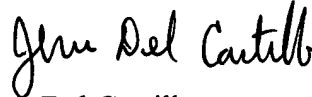
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/823,135
Amdt. dated July 11, 2005
Reply to Office Action of February 23, 2005

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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